

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. **06-MSRC-011**

COMMONWEALTH OF KENTUCKY,  
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

**FINAL ORDER FOR RUSSEL L. STIDHAM**

TERRY L. HALL, **RUSSELL L. STIDHAM**,  
WILLIAM S. CORNETT & HARVEY B. CAMPBELL

**RESPONDENTS**

\* \* \* \* \*

This matter having come before the Commission on the Joint Motion to Approve Settlement Agreement between the Complainant, Office of Mine Safety and Licensing (OMSL) and Respondent Russell L. Stidham, and the members of the Commission having reviewed the Settlement Agreement filed on or about July 12, 2006 in the matter herein, and the Commissioners being sufficiently advised,

IT IS HEREBY **ORDERED** as follows:

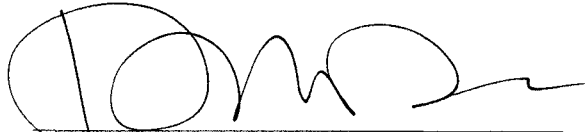
1. The Joint Motion to Approve Settlement Agreement is **GRANTED**;
2. The formal hearing and pre-hearing conference are **CANCELLED**;
3. The **Settlement Agreement** signed by the parties and filed with the Commission is hereby **incorporated by reference** as if reproduced herein in full as a material part of this **FINAL ORDER**.

A copy is attached hereto;

4. This Final Order only resolves the matters referenced herein, and any new enforcement action or subsequent penalties imposed during any probationary period are in addition to and not in lieu of those that may be sought by OMSL for the acts or omissions during that probationary period. This Final Order in no way prohibits OMSL from investigating or filing legal action based upon other activities or omissions by the Respondent not arising from the factual basis of the original violation and resolved herein.
5. This Final Order shall be considered to constitute a **“first offense”** as that term is defined in 805 KAR 8:010, Section 1(5). Future allegations of separate offenses by Respondent, resulting in an adjudication of guilt by the Commission, shall be deemed “subsequent offenses” as defined by 805 KAR 8:010, Section 1(13);
6. This Final Order represents a final disposition of all issues between the Complainant and the Respondent, in these matters. Failure to comply with the terms and conditions of this Final Order may result in further action by the Commission; and
7. Appellate rights: Pursuant to KRS 351.194(8) and KRS 13B.140(1), an appeal of an order of the Commission must be filed in the Franklin Circuit Court within thirty (30) days of the entry of this Final Order. The petition shall include the names and addresses of all parties of record in this proceeding and shall include a statement of the grounds upon which review is requested. A copy

of this Final Order shall accompany the petition. Copies of the petition must be served upon the Commission and all parties of record in this proceeding.

Entered this the 13<sup>TH</sup> day of July 2006.

A handwritten signature in black ink, appearing to read 'DM Davidson', written over a horizontal line.

Denise Moore Davidson, Chair  
MINE SAFETY REVIEW COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ORDER was served by certified mail, return receipt requested, and by regular mail, postage pre-paid to the following this 14<sup>TH</sup> day of July 2006:

HON. ANGELA HATTON MULLINS  
21 N. WEBB AVE.  
WHITESBURG, KY 41858

Counsel for: RUSSELL L. STIDHAM  
314 MEADOW FORK  
MILLSTONE KY 41838-9069

And by regular mail to:

TERRY L. HALL  
1558 HIGHWAY 582  
PINE TOP KY 41843-9035

HARVEY B. CAMPBELL  
4567 HIGHWAY 7 SOUTH  
BLACKKEY KY 41804-9097

WILLIAM S. CORNETT  
342 HOLLY THICKET ROAD  
VIPER KY 41774-8353

And by messenger mail to:

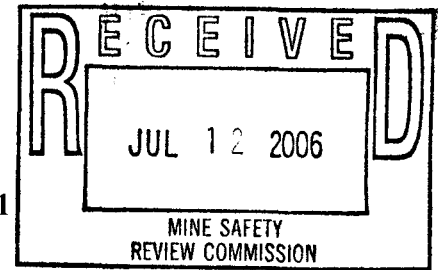
JENNIFER CABLE SMOCK  
OFFICE OF LEGAL SERVICES  
NATURAL RESOURCES LEGAL DIVISION  
#2 HUDSON HOLLOW  
FRANKFORT KY 40601  
502/ 564- 2356  
FAX 502/ 564 - 9212  
Attorney for OMSL

And the original shall be kept on file:

Mine Safety Review Commission  
132 Brighton Park Blvd.  
Frankfort Ky 40601

  
Bryan Alan Thompson  
Hearing Officer & General Counsel  
Mine Safety Review Commission

COMMONWEALTH OF KENTUCKY  
MINE SAFETY REVIEW COMMISSION  
ADMINISTRATIVE ACTION NO. 06-MSRC-011



COMMONWEALTH OF KENTUCKY,  
OFFICE OF MINE SAFETY AND LICENSING

COMPLAINANT

VS. SETTLEMENT AGREEMENT BETWEEN OMSL  
AND RUSSELL L. STIDHAM

TERRY L. HALL, RUSSELL L. STIDHAM,  
WILLIAM S. CORNETT and HARVEY B. CAMPBELL

RESPONDENTS

\* \* \* \* \*

Come the Complainant, the Kentucky Office of Mine Safety and Licensing ("OMSL"), and Respondent, Russell L. Stidham, by counsel, and hereby state that they have agreed to a settlement of the above styled disciplinary proceeding, according to the following terms:

In consideration for the final resolution of this action against him, and the cancellation of the hearing as it pertains to him that is currently scheduled for July 13, 2006, Stidham hereby admits that on August 2, 2004, at Consol of Kentucky, Inc.'s Beaver Gap E-3 mine, he was operating a scoop, loaded with concrete blocks, in which Respondents Cornett and Campbell were also riding, resulting in an injury to Cornett, in violation of KRS 352.150(9), as alleged in OMSL's Complaint. Therefore, Stidham hereby agrees to the following:

1. Stidham agrees to the probation of his underground mine foreman's certificate (#A-11-04), his underground coal miner's certificate and his first aid—8 hours certificate (#HD-008-092) for a period of two (2) years, effective upon the approval and entry of this Settlement Agreement by the Mine Safety Review Commission.

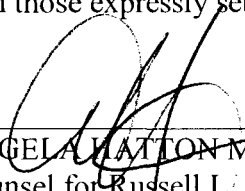
2. During this two-year probationary period, Stidham shall comply with all state and federal mine safety laws and regulations. The willful violation by Stidham of any of said laws

and regulations may result in OMSL filing a motion with the Mine Safety Review Commission to revoke his underground mine foreman's certificate for the remainder of the probationary period.

3. Within forty-five (45) days of the effective date of this Settlement Agreement, Stidham must take eight (8) hours of special safety training from OMSL at its Martin District Office.


4. Stidham further agrees that this Settlement Agreement and any final order issued by the Mine Safety Review Commission will be considered by the Commission to constitute a "first offense," as that term is defined at 805 KAR 8:010, Section 1(13).

5. OMSL and Stidham acknowledge and agree that there are no further promises, inducements, representations, or agreements in connection with this Settlement Agreement other than those expressly set forth in writing herein.

  
\_\_\_\_\_  
ANGELA HATTON MULLINS  
Counsel for Russell L. Stidham  
21 North Webb Avenue  
Whitesburg, Kentucky 41858

DATE

7/7/06

  
\_\_\_\_\_  
JOHNNY GREENE  
Acting Executive Director  
Office of Mine Safety and Licensing  
P.O. Box 2244  
Frankfort, Kentucky 40602

DATE

7-12-06